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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,521	10/30/2003	Jeffery A. Engelman	BLD920030027US1	7654
45211	7590	09/21/2007	EXAMINER	
Robert A. Voigt, Jr. WINSTEAD SECHREST & MINICK PC PO BOX 50784 DALLAS, TX 75201			DHINGRA, PAWANDEEP	
		ART UNIT	PAPER NUMBER	
		2625		
		MAIL DATE	DELIVERY MODE	
		09/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/697,521	ENGELMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Pawandeep S. Dhingra	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/23/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

- This action is responsive to the following communication: a Response to Restriction/Election Requirement filed on 08/20/2007.
- The applicant in response to the Restriction/Election Requirement has not elected any Claims.
- The examiner has examined all the claims.

### *Response to arguments*

Applicant's arguments, see pages 9-10, filed 8/20/2007, with respect to Response to Election/Restriction have been fully considered and are persuasive. The examiner respectfully withdraws the Requirement for Restriction/Election filed on 7/19/2007.

### *Double Patenting*

1. Claims 1-14 provisionally rejected on the ground of nonstatutory double patenting over claims 1-27 of copending Application No. 10/696953. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Application 10/696953	Application 10/697521
receiving a character, wherein said	receiving a character, wherein said

Art Unit: 2625

character is a modified character in a first base font resource or a character to be added to or deleted from said first base font resource	character is a modified character in a first base font resource or is a character to be added to or deleted from said first base font resource
creating a font resource that comprises said character	creating a font resource that comprises said character in a file
linking said created font resource to said first base font resource	creating a link list in an entry in said table associated with said first base font resource to link said created font resource to said first base font resource

The above analysis of method claims 9-10 is exemplary of all the pending claims.

The rest of the claims recite the same limitations or broader versions as claimed in the co-pending application 10/696953.

Note the comparison above, claims 1-14 of the instant application is not patentability distinct from claim 1-27 of the application 10/696953 because claims 1-14 of the instant application are broader than claims 1-27 of application 10/696953. For example, claims 9-10 of the instant application include all the limitations of claim 1 "as recited in application 10/696953. Plus, since the claims are in "comprising" format they cover common subject matter and all the limitations in the pending claims are anticipated by the co-pending application claims. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See also MPEP § 804.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 7-8, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 & 7-8, recites the limitations "said second processor, responsive to said second memory". There is insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 13-14 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claims 13-14, while defining a computer program product, does not define a "computer-readable medium" and is thus non-statutory for that reasons. A computer program, can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on a "computer readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

#### ***Examiner Notes***

Examiner cites particular paragraphs, columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-14 are rejected under 35 U.S.C. 103 as being unpatentable over Kuo et al., US 6,603,478 in view of Flowers, Jr. et al., US 5,533,174.

Re claim 1, Kuo discloses a system (see figure 1), comprising: a client (i.e. PC) configured to generate a first data stream comprising page description information (see column 2, line 54-column 3, line 21); wherein said client comprises: a first memory unit operable for installing font resources (see column 2, line 54 –column 4, line 33); and a first processor coupled to said first memory unit (see column 2, line 54 –column 4, line 33); a spool coupled to said client, wherein said spool is configured to store said first data stream (see figure 1; column 2, line 54-column 3, line 21); a resource library (i.e. structured database) configured to store font resources (see figure 1; column 2, line 54-column 3, line 67); a print server coupled to said spool and said resource library (see figure 1; column 2, line 54-column 3, line 67).

Kuo fails to further disclose wherein said print server comprises: a second memory unit operable for storing a printer driver configured to generate a second data stream; and a second processor coupled to said first memory unit; and a printer coupled to said

Art Unit: 2625

print server, wherein said printer is configured to receive said second data stream generated from said print server; and wherein said resource library comprises: a table (see table I) configured to map native names of font resources to file names, identifications and attributes associated with said font resources.

However, Flowers, Jr. discloses a print server (i.e. font server, figures 1-2) comprises: a second memory unit operable for storing a printer driver configured to generate a second data stream (see column 4, lines 9-47); and a second processor coupled to said first memory unit (see column 4, lines 9-47, note that it is apparent that the server has a processor); and a printer coupled to said print server (see figures 1-2), wherein said printer is configured to receive said second data stream generated from said print server (see column 4, lines 9-47); and wherein said resource library (i.e. font storage 18 of font server 16, see figure 2) comprises: a table configured to map native names of font resources to file names, identifications and attributes associated with said font resources (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or

printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re claim 2, Kuo further discloses first processor, responsive to said first memory, comprises: circuitry operable for receiving a character (see figure 4), wherein said character is a modified character in a first base font resource (i.e. personal computer) or is a character to be added to or deleted from said first base font resource (see abstract; figures 3-5, note that if the character code typed by the user is not the standard code then the request is sent to the server from the computer to supply the desired character from the structured database, which is needed to be added to the display or personal computer of the user); circuitry operable for creating a font resource (i.e. structured database) that comprises said character in a file (see abstract; figures 3-5); circuitry operable for generating an identification associated with said created font resource (see figures 3-4; column 3, line 22-column 5, line 32); circuitry operable for creating an entry in said table establishing said created font resource (i.e. structured database, table 1) as a second base font resource (see column 3, lines 22-67, note that personal computer is a first base font resource and structured database coupled to a server is a second base font resource).

Kuo fails to further disclose circuitry operable for storing a native name of said created font resource and its associated file name and said identification in said created entry.

However, Flowers, Jr. discloses circuitry operable for storing a native name of said created font resource and its associated file name and said identification as an entry in table (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re claim 3, Kuo further discloses said first processor, responsive to said first memory, comprises: circuitry operable for creating a link list in an entry in said table (see table 1) associated with said first base font resource to link said created font resource to said first base font resource (see column 3, line 22-column 5, line 42, note that table 1 shows linking the non standard codes stored in structural database with the standard read codes of PC); circuitry operable for indicating in said entry in said table associated with said first base font resource to not reverse linking of said first base font resource to said created font resource if said character is a character to be added (see figure 4; column 4, line 34-column 5, line 42); and circuitry operable for indicating in said entry in said table associated with said first base font resource to reverse linking of said

first base font resource to said created font resource if said character is a character to be modified or deleted (see figure 4; column 4, line 34-column 5, line 42, note that as shown in element 88, figure 4, if the new character is to be added/created then the linking is not reversed otherwise if the character is to be modified then the reverse linking is performed and the process proceeds back to element 90, figure 4).

Re claim 4, Kuo further discloses said first processor, responsive to said first memory (see column 2, line 54 –column 4, line 33).

Kuo fails to further disclose circuitry operable for installing a collection font resource, wherein said collection font resource comprises a stand alone font resource; circuitry operable for generating an identification associated with said collection font resource; circuitry operable for creating an entry in said table for said stand alone font resource; and circuitry operable for storing in said created entry a native name of said stand alone font resource along with said identification and a file name of said collection font resource.

However, Flowers, Jr. discloses circuitry operable for installing a collection font resource (i.e. font sever) (see column 4, line 9 - column 6, line 37), wherein said collection font resource comprises a stand alone font resource (see column 4, line 9 - column 6, line 37); circuitry operable for generating an identification associated with said collection font resource (see column 4, line 9 - column 9, line 61); circuitry operable for creating an entry in said table for said stand alone font resource (see column 4, line 9 - column 9, line 61); and circuitry operable for storing in said created entry a native name

of said stand alone font resource along with said identification and a file name of said collection font resource (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re claim 5, Kuo fails to further disclose said second processor, responsive to said second memory, comprises: circuitry operable for receiving a native name identifying a font resource in said first data stream; circuitry operable for searching said table for said received native name and its associated file name; and circuitry operable for downloading a file referenced by said file name to said printer if said printer has not stored said file referenced by said file name.

However, Flowers, Jr. discloses second processor, responsive to said second memory (see column 4, lines 9-47, note that it is apparent that the server has a processor), comprises: circuitry operable for receiving a native name identifying a font resource in said first data stream (see figure 3-4); circuitry operable for searching said

table for said received native name and its associated file name (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25); and circuitry operable for downloading a file referenced by said file name to said printer if said printer has not stored said file referenced by said file name (see column 4, line 50-column 9, line 60, note that the client requests the font server for a particular font or font catalogue and once server supplies the requested font information to the client, then in order to print the desired font characters, the client transmits the font information to the printer associated with the client and hence the printer downloads the desired font file name information (inherent). Also note that printer maintains its own dedicated list of font catalogues and if the desired font is not found within the dedicated list then the request for that font is made to the font server).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re claim 7, Kuo fails to further disclose said second processor, responsive to said second memory, comprises: circuitry operable for receiving a native name identifying a font resource in said first data stream; circuitry operable for searching said

table for said received native name and its associated identification; circuitry operable for downloading a file referenced by said identification to said printer if said printer has not stored said file referenced by said identification.

However, Flowers, Jr. discloses second processor, responsive to said second memory (see column 4, lines 9-47, note that it is apparent that the server has a processor), comprises: circuitry operable for receiving a native name identifying a font resource in said first data stream (see figure 3-4); circuitry operable for searching said table for said received native name and its associated identification (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25); and circuitry operable for downloading a file referenced by said identification to said printer if said printer has not stored said file referenced by said identification (see column 4, line 50-column 9, line 60, note that the client requests the font server for a particular font or font catalogue and once server supplies the requested font information to the client, then in order to print the desired font characters, the client transmits the font information to the printer associated with the client and hence the printer downloads the desired font file name information (inherent). Also note that printer maintains its own dedicated list of font catalogues and if the desired font is not found within the dedicated list then the request for that font is made to the font server).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be

customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re claim 8, Kuo fails to further disclose said second processor, responsive to said second memory, comprises: circuitry operable for receiving a character string and a native name identifying a font resource in said first data stream; circuitry operable for searching said table for said received native name and its associated attributes, wherein said associated attributes indicate if said font resource is a private or a public resource; circuitry operable for downloading and transmitting a file referenced by said file name to said printer; circuitry operable for allowing said printer to capture said file if said resource is said public resource; and circuitry operable for not allowing said printer to capture said file if said resource is said private resource.

However, Flowers, Jr. discloses second processor, responsive to said second memory, comprises: circuitry operable for receiving a character string and a native name identifying a font resource in said first data stream (see figures 3-5); circuitry operable for searching said table for said received native name and its associated attributes (see column 5, line 47-column 9, line 61; column 10, line 56 - column 11, line 25), wherein said associated attributes indicate if said font resource is a private or a public (i.e. shareable) resource (column 10, lines 19-55; column 12, lines 4-43); circuitry operable for downloading and transmitting a file referenced by said file name to said printer (see column 4, line 50-column 9, line 60, note that the client requests the font server for a

particular font or font catalogue and once server supplies the requested font information to the client, then in order to print the desired font characters, the client transmits the font information to the printer associated with the client and hence the printer downloads the desired font file name information (inherent). Also note that printer maintains its own dedicated list of font catalogues and if the desired font is not found within the dedicated list then the request for that font is made to the font server); circuitry operable for allowing said printer to capture said file if said resource is said public resource; and circuitry operable for not allowing said printer to capture said file if said resource is said private resource (see column 10, lines 19-55; column 12, lines 4-43; column 4, line 50-column 9, line 60, note that if the resource is private and the client does not have authorization then the client wont not be allowed to access it and as a result the font file would not be transmitted to the printer associated with the client, hence printer will not be allowed to capture the desired font file. On the other hand if the resource is shareable (public), the client will be able to access, and transmit it to the printer and the printer will be able to capture the desired font file).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or

printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re Claims 9-10, claims 9-10 recite identical features, as claims 2-3, except claims 9-10 are method claims. Thus, arguments made for claims 2-3 are applicable for claims 9-10.

Re Claim 12, claim 12 recites identical features, as claim 8, except claim 12 is a method claim. Thus, arguments made for claim 8 are applicable for claim 12.

Re Claims 13-14, claims 13-14 recite identical features, as claims 9-10, except claims 13-14 merely deal with executing the method of claims 9-10 on a computer. Thus, arguments made for claims 9-10 are applicable for claims 13-14.

8. Claims 6 & 11 are rejected under 35 U.S.C. 103 as being unpatentable over Kuo et al., US 6,603,478 in view of Flowers, Jr. et al., US 5,533,174 further in view of well-known art.

Re claim 6, Kuo further discloses said first processor, responsive to said first memory (see column 2, line 54 –column 4, line 33), comprises: circuitry operable for updating a font resource identified with a first identification (i.e. standard character residing on personal computer) (see figure 3-5, column 4, line 1-column 5, line 58, note that when the new character is constructed, it is stored in the memory of the personal computer and the font resource (personal computer) gets updated), wherein said table (table 1) comprises an entry storing a native name identifying said font resource (i.e.

standard character) and its associated said first identification (see table 1; column 2, line 54-column 3, line 55);

Kuo fails to explicitly disclose circuitry operable for generating a second identification associated with said updated font resource; and circuitry operable for editing said table by replacing said first identification with said second identification.

However, Official Notice is taken to note that ability to generate a second identification associated with the updated file is well known in the art. It is commonly known in the art to label a file as "updated file" (second identification) after it has been updated. Furthermore, it is also notoriously well known and commonly used in the art to edit the previous version of the original file (first identification) via replacing it with new updated version of the file (second identification). It would have been obvious to change the identification of the file after it has been updated and then replace the old file with the new updated file as an entry in the table 1 of Kuo for the benefit of keeping the table current and providing the user with most up-to-dated available font resources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention to modify the character access system of Kuo to include the network font server system as taught by Flowers, Jr. in order to supply to clients the "font-specific information which allows them to select a font and specify how the font is to be customized, renders bit maps and/or outlines in a format which is compatible with the text processing applications and operating systems of the individual workstations or printers and supplies the rendered maps and outlines to the workstation and printers" as taught by Flowers, Jr., at column 2, lines 50-61.

Re Claim 11, claim 11 recites identical features, as claim 6, except claim 11 is a method claim. Thus, arguments made for claim 6 are applicable for claim 11.

***Contact Information***

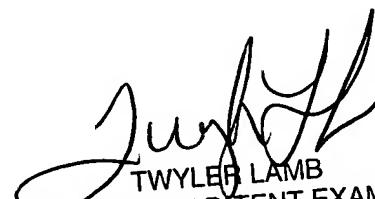
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pawandeep S. Dhingra whose telephone number is 571-270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

fd  
Pd

September 10, 2007

  
TWYLER LAMB  
SUPERVISORY PATENT EXAMINER